

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

CLEANUP AND ABATEMENT ORDER NO. R1-2002-0101
FOR
A MORATORIUM ON THE DISPOSAL OF DECOMMISSIONED MATERIALS TO
CLASS III AND UNCLASSIFIED WASTE MANAGEMENT UNITS

The Executive Officer of the North Coast Regional Water Quality Control Board (Regional Water Board) finds that:

1. Attachment 1 contains a list of the Class III and unclassified waste management units in the region, which are subject to this Order.
2. The disposal of radioactive waste is a highly regulated industry.
3. The federal Atomic Energy Act (AEA) established a comprehensive federal program for regulating radioactive materials.
4. The AEA allows States to regulate the disposal of low level radioactive waste.
5. The Department of Health Services (DHS), pursuant to state law, established a program for the disposal of low level radioactive waste.
6. Under the DHS program, low level radioactive waste is disposed at licensed disposal sites.
7. It has recently been determined that certain types of low level radioactive waste, known as decommissioned materials, are not required to be disposed at licensed sites.
8. Decommissioned materials are radioactive materials in excess of local background levels that have been released for unrestricted use as part of a decommissioning action by the appropriate state or federal agency.
9. Decommissioned materials are residual radioactive materials that can be disposed of in waste management units.
10. In the absence of further action, decommissioned materials would be allowed to be disposed at Class III and unclassified waste management units.
11. Class III waste management units are disposal sites designed to accept municipal waste.
12. Unclassified waste management units are disposal sites that receive inert waste.
13. The disposal of hazardous waste is prohibited at Class III and unclassified sites.
14. Decommissioned material is not covered by the definition of hazardous waste.

15. Under Water Code section 13304, a Cleanup and Abatement Order may be issued to take remedial action to abate the effects of discharges of waste, including radioactive waste, which threaten to cause a condition of pollution or nuisance.
16. The disposal of decommissioned materials at Class III and unclassified disposal sites threatens conditions of pollution or nuisance.
17. Executive Order No. D-62-02 by the Governor, directs the State Water Resources Control Board and the Regional Water Boards to impose a moratorium on the disposal of decommissioned materials into Class III and unclassified waste management units, which will remain in effect until DHS completes its assessment of the public health and environmental safety risks associated with the disposal of decommissioned materials and its regulations setting dose standards for decommissioning take effect.
18. Adoption of this enforcement action is exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations section 15321.

IT IS HEREBY ORDERED that, pursuant to Water Code section 13304 and Executive Order No. D-62-02, the Dischargers named in Attachment 1 shall comply with the following:

1. A moratorium on the disposal of decommissioned material from decommissioned sites into Class III and unclassified waste management units is established.
2. This moratorium shall remain in effect until DHS completes its assessment of the public health and environmental safety risks associated with the disposal of decommissioned materials and its regulations setting dose standards for decommissioning take effect.
3. Dischargers that make a good faith effort to comply with this moratorium, including informing generators and other entities that dispose of waste of the moratorium, and placing appropriate signage at its waste management units, shall be deemed to be in compliance with this Order.

Ordered by _____

Susan Warner
Executive Officer

October 11, 2002